

## **SCHEDULE A**

### **Terms of Reference Part A Learning Lessons Case Review – the late Hubert Victor Whitsey**

**These instructions set out the basis on which the National Safeguarding Team of the Church of England commissions His Honour David Pearl (“the Reviewer”) to undertake a review into the handling of allegations that have come to the attention of the Church of England concerning the late Hubert Victor Whitsey, former Bishop of Chester.**

The review into the handling of the allegations will take place in two parts. These terms of reference deal with the first part (Part A) and focus on historic allegations relating to Hubert Victor Whitsey. Allegations which fall later than the time period specified will be dealt with as Part B and be subject to additional terms of reference.

These instructions are given by the National Safeguarding Team (NST) of the Church of England, acting on behalf of the Archbishops’ Council. This document should be read alongside, and forms part of, the agreement between the Reviewer and the Archbishops’ Council in relation to this investigation (“the Agreement”), in particular provisions relating to confidentiality and data protection.

#### **1. Introduction**

##### **Brief summary of the case**

In July 2016 Cheshire Constabulary commenced a police investigation – known as Operation Coverage - following a report from the Chester Diocesan Safeguarding Adviser, which related to serious sexual abuse disclosures that had been made against the late Right Reverend Hubert Victor Whitsey, former Bishop of Chester.

At the start of the Police investigation it was alleged that the offences had only taken place in Chester diocese, although through subsequent enquiries alleged offences were also identified in the Lancashire area (Diocese of Blackburn). The investigation was focused on incidents reported to have occurred between 1974 and 1982, namely the period of time during which the Right Reverend Hubert Victor Whitsey held office as Bishop of Chester.

The first known allegation is reported to have occurred sometime during 1974 and the last reported allegation is reported to have occurred following the Bishop’s departure from the Chester Diocese in 1982.

Consistent with guidance given in Operation Hydrant, relating to investigations into allegations made posthumously, when Cheshire Constabulary finalised their investigation in Operation Coverage they concluded that:

*“Based upon the accounts provided, Operation Coverage has determined that should Right Reverend Hubert Victor Whitsey have been alive today, then the police would have spoken to him in relation to 10 of the witness allegations. This is based upon the details they have provided within their accounts of the abuse they have alleged. The*

*3 other witnesses have provided only limited information to the police regarding the abuse they have alleged and, as such, it has been determined that we would have had insufficient information to speak to Right Reverend Hubert Victor Whitsey in regard to these specific cases.”*

The National Safeguarding Team is not aware of any ongoing criminal investigation. There are a number of civil claims underway.

The NST understands that 19 people have come forward to date with allegations of abuse by Whitsey. Not all of those individuals have expressed a wish (via police liaison officers) to be contacted by the Church of England.

The Archbishop of York has apologised to all those who have expressed a wish to receive a personal apology (in addition to the public apology made by the Archbishop of York) and offers have been made, for those who wish to do so, to meet with the Lead Safeguarding Bishop, the Rt Rev. Peter Hancock, Bishop of Bath & Wells. Nine people have been contacted by letter offering an appointment with Bishop Peter, or their diocesan bishop should they prefer.

## **2. Objective of the Review**

This review (“the Review”) will allow those individuals who have indicated that they have sustained harm at the hands of Hubert Victor Whitsey or another Church body or officer to describe their experiences. The Review will identify both good practice and failings in the Church of England’s handling of the allegations relating to Hubert Victor Whitsey, including its safeguarding practice, in order that the Church of England can take steps to enhance and improve its response to allegations of abuse and, thereby, ensure a safer environment for all.

## **3. Scope of the Review**

3.1 The Review will focus on two related but distinct questions: (1) what did the Church of England know about alleged abuse perpetrated by Hubert Victor Whitsey, and (2) what was the Church of England’s response to those allegations.

3.2 In connection with the first question, the Review will consider:

(1) What information was available to the Church of England within relevant dioceses (see below) relating to Herbert Victor Whitsey’s alleged abuse of children and individuals, and whether this information was known to central Church authorities.

(2) Who had this information and when and what did they do with it.

3.3 In connection with the second question, the Review will consider:

(1) Whether, when the abuse was reported, Church officers and Church bodies responded in a timely and appropriate manner in line with policies, practice and

procedures in place in the Church of England at the time, as well as appropriate statutory policy and legislation.

- (2) Whether such abuse, and any further abuse, could have been prevented.
- (3) Whether, taking account of the [Gibb review](#), what additional lessons can be learnt which are relevant and which might improve safeguarding practice in the Church of England.

#### **4. Principles underpinning the Review**

4.1 The Reviewer should:

- (1) Place the actions of individuals and organisations in context, showing understanding of the underlying reasons that led to individuals and organisations acting as they did, or which might explain why they did so.
- (2) Consider the actions of individuals and organisations against the standards of practice which applied at the relevant time, i.e. understand practice from the view point of the individuals and organisations at the time rather than using hindsight.
- (3) Be transparent and open about the collection and use of information.
- (4) Make use of relevant research (for example which allows the Reviewer to assess conduct at a particular date against the standards in place at that date) and appropriate evidence to inform all judgments.
- (5) Ensure that if, in the course of their work they identify additional relevant matters (whether additional allegations or failures to respond properly by a Church officer or Church body), that these are brought to the immediate attention of Elizabeth Pollard in the National Safeguarding Team.

#### **5. Relevant material**

##### Time frame

- 5.1 The time frame for the Review will be the period from 1966 (the date of first known disclosure) until 27 July 2018 (date of the apology letter from the Archbishop of York).

##### Evidence

5.2 The Reviewer may wish to:

- (1) Consider the oral accounts of those with an interest in this Review, namely survivors, those who have brought forward allegations of abuse, relevant clergy, and appropriate others (“Interested Parties”), to the extent that they are willing to take part in the Review; and

(2) Consider relevant documentary evidence from the sources set out below

5.3 Where appropriate the Reviewer may, with the agreement of Director of Safeguarding, follow up any alternate material lines of inquiry, not already detailed in these Terms of Reference, which in the Reviewer's opinion might be relevant to the Review.

*Oral accounts*

5.4 The Reviewer may approach Interested Parties to ask them to give an oral account in connection with any matter relevant to the Review. Any oral account given will be recorded and transcribed. Alternatively, where a relevant individual has already given their account to the police or a statutory agency, and would rather not retell their account, the Reviewer may have regard to any relevant account which that individual might obtain by making a data subject access request to the appropriate data controller.

5.5 The Reviewer should consider making approaches to:

- i) Survivors and those who have brought forward allegations of abuse
- ii) Relevant Diocesan Safeguarding Advisers (i.e. those in the dioceses of Chester, Blackburn, Manchester and St Albans)
- iii) Relevant bishops and clergy, to include the Bishops of Chester, Manchester, and Beverley
- iv) The Archbishop of York
- v) Officers of the Cheshire Constabulary
- vi) The close living relations of Bishop Hubert Victor Whitsey

*Documentary evidence*

5.6 So far as they are available, the Reviewer will review relevant documents from the following sources:

- i) Diocese of Chester
- ii) Diocese of Blackburn
- iii) Diocese of Manchester
- iv) Diocese of St Albans (Hertford)
- v) The Office of the Archbishop of York
- vi) Any other diocese where Hubert Victor Whitsey held Permission to Officiate or held office
- vii) Cheshire Constabulary's report of their investigation
- viii) The National Safeguarding Team
- ix) The Provincial Safeguarding Adviser in the Province of York

## **6. Involvement of Interested Parties and the Whitsey family**

6.1 In order to ensure that the Review is transparent and fair:

- (1) These Terms of Reference will be shared with Interested Parties if they wish to see them. The National Safeguarding Team welcomes any feedback on this Review which those individuals may have.
- (2) Interested Parties will be asked if they wish to engage with the Review.
- (3) The Director of Safeguarding will ensure that the Review is shared with Interested Parties and the close living relations of Hubert Victor Whitsey with reasonable advance notice of publication.

## **7. Content of Review**

- 7.1 In light of the purpose of the Review (as set out above), based on the evidence available, the Reviewer will answer the questions which are set out in paragraph 3 above.
- 7.2 The Review should be accompanied by an executive summary.
- 7.3 The Reviewer should identify, in an appendix to the Review, all of the oral accounts and documentary records which he has considered.
- 7.4 The Reviewer will not be able to make formal findings of fact but is asked to give a view, informed by his professional judgment, as to what version of events seems most likely, on the balance of probabilities.
- 7.5 The Reviewer should identify examples of good safeguarding practice as well as examples of any inappropriate response.
- 7.6 The Review should be accompanied by a chronology of relevant events.

## **8. Timeline for the Review**

- 8.1 Work on the Review will commence on 20 May 2019.
- 8.2 It is anticipated that the Review shall be completed within no more than nine months from commencement.
- 8.3 Elizabeth Pollard will be the National Safeguarding Team's point of contact for the Review and it is anticipated that Ms Pollard and the Reviewer will meet regularly to review the progress of the Review. The Reviewer is asked to provide progress updates to Ms Pollard on a regular basis.

## **9. Presentation and publication of Review**

- 9.1 The Review should be drafted ready for publication, i.e. with appropriate steps taken to anonymise the name of individuals who do not wish to be named and to redact such information as might allow for identification.
- 9.2 The Reviewer should send the Review in a non-editable electronic format (pdf is best) to the Director of Safeguarding.

- 9.3 The Director of Safeguarding will share the Review with the National Safeguarding Steering Group at the earliest opportunity.
- 9.4 The National Safeguarding Team intends that the Review will be published. The Director of Safeguarding will, in consultation with the Lead Bishop for Safeguarding and the Deputy Director for Communications, take all decisions regarding publication of the Review, including the timing of publication and any redaction which they consider may be appropriate.
- 9.5 In advance of publication, the Director of Safeguarding will take reasonable steps to give advance warning to any Church officer or body they consider has been subject to criticism in the Review and will provide a reasonable opportunity for that officer or body to respond.

**April 2019**